

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,)	
Plaintiff,)	
)	C.A. No. 21-1015 (GBW)
)	
v.)	DEMAND FOR JURY TRIAL
)	
SAREPTA THERAPEUTICS, INC.,)	
Defendant.)	
SAREPTA THERAPEUTICS, INC. and THE		
UNIVERSITY OF WESTERN AUSTRALIA,)	
Defendant/Counter-Plaintiffs,)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD. and NS)	
PHARMA, INC.,)	
Plaintiff/Counter Defendants.)	

**PLAINTIFF/COUNTER-DEFENDANTS’ DAUBERT MOTION TO EXCLUDE
THE TESTIMONY AND OPINIONS OF STEVEN F. DOWDY, PH.D.**

Plaintiff/Counter-Defendants Nippon Shinyaku Co., Ltd. and NS Pharma, Inc. (collectively, “NS”) hereby move this Court to exclude and strike certain portions of expert testimony by Defendants’ expert Steven F. Dowdy, Ph.D. Specifically, NS seeks to exclude Dr. Dowdy’s written description and enablement opinions that are based on an improper new claim construction of “antisense oligonucleotide.” NS also seeks to exclude Dr. Dowdy’s opinions in which he opines that NS purportedly “misled” the Patent Office and “withheld” certain data and prior art during the prosecution of those patents, and that these alleged “misrepresentations” and this allegedly “withheld” information were “material to patentability.” Finally, NS seeks to exclude Dr. Dowdy’s opinions in which he opines that the preliminary decisions in the improperly filed IPRs confirm his opinions that the asserted claims of the NS Patents would have been obvious.

Pursuant to Local Rule 7.1.1, the undersigned certifies that a reasonable effort has been made to reach agreement with Sarepta regarding the instant Motion, but the parties were unable to reach agreement.

Dated: December 11, 2023

Respectfully submitted,

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